

1 **OSVALDO E. FUMO, ESQ.**

Nevada Bar No. 5959

2 **PITARO & FUMO CHTD.**

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5 Attorney for Defendant

6 **MARQUIS DION PATRICK-HOWARD**

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

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10
11 **UNITED STATES OF AMERICA,**

12 Plaintiff,

13 vs.

14 **MARQUIS DION PATRICK-HOWARD,**

15 Defendant.
16

Case No.: 2:18-CR-00095-APG-NJK-2

17
18 **STIPULATION AND ORDER TO CONTINUE SENTENCING**

19 **IT IS HEREBY STIPULATED AND AGREED,** by and between **SUSAN**
20 **CUSHMAN, ESQ.,** Assistant United States Attorney, counsel for the United States of America,
21 and **OSVALDO E. FUMO, ESQ.,** counsel for MARQUIS DION PATRICK-HOWARD; that
22 the Sentencing Hearing currently scheduled for November 14, 2019, at 9:30 a.m., be vacated and
23 reset or a date and time convenient to the court, but no earlier than 30 days.

- 24 1. Counsel for defendant has spoken to defendant and he has no objection to the request
25 of continuance.
- 26 2. Defendant is in custody in Pahrump.
- 27 3. Counsel has spoken to AUSA Susan Cushman and she does not oppose to the
28 continuance.

- 1 4. Defense Counsel is requesting additional time to review the Presentence
2 Investigation Report and investigate Defendant's criminal history.
3
4 5. Denial of this request for continuance could result in a miscarriage justice.
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6 6. For all the above-stated reasons, the ends of justice would best be served by a
7 continuance of the Sentencing Hearing until a date and time convenient to the court.
8
9 This is the first request for continuance filed herein.

10 **DATED** this 13th day of November 2019.

11 /S/
12 **OSVALDO E. FUMO, ESQ.**
13 Nevada Bar No. 5956
14 601 Las Vegas Blvd. South
15 Las Vegas, Nevada 89101
16 Attorney for Defendant

17 **MARQUIS DION PATRICK-HOWARD**

18 /S/
19 **SUSAN CUSHMAN**
20 Assistant United States Attorney
21 501 Las Vegas Blvd. South,
22 Suite 1100
23 Las Vegas, NV 89101

1 **OSVALDO E. FUMO, ESQ.**

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6 **MARQUIS DION PATRICK-HOWARD**

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

10 **UNITED STATES OF AMERICA,**

11
12 Plaintiff,

13 vs.

14 **MARQUIS DION PATRICK-HOWARD,**

15 Defendant.
16

Case No.: 2:18-CR-00095-APG-NJK-2

17 **FINDINGS OF FACT**

- 18 1. Counsel for defendant has spoken to defendant and he has no objection to the request
19 of continuance.
20
- 21 2. Defendant is in custody in Pahrump.
- 22 3. Counsel has spoken to AUSA Susan Cushman and she does not oppose to the
23 continuance.
24
- 25 4. Defense Counsel is requesting additional time to review the Presentence
26 Investigation Report and investigate Defendant's criminal history.
- 27 5. Denial of this request for continuance could result in a miscarriage justice.
- 28 6. For all the above-stated reasons, the ends of justice would best be served by a
continuance of the Sentencing Hearing until a date and time convenient to the court.

1 This is the first request for continuance filed herein.

2 **CONCLUSIONS OF LAW**

3 Denial of this request for continuance would deny the parties herein the opportunity
4 to effectively and thoroughly prepare for Sentencing Hearing.
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6 Additionally, denial of this request for continuance could result in a miscarriage of
7 justice.
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9 **ORDER**

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11 IT IS HEREBY ORDERED that the Sentencing Hearing currently scheduled for
12 November 13, 2019, at 9:30 a.m., be continued to **December 20, 2019** at
13 **10:15 a.m.**, in courtroom **6C.**
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16 DATED this 13th day of November, 2019.

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19 **DISTRICT COURT JUDGE**
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